

II. REMARKS

Formal Matters

Claims 1, 7-11, and 21-35 are pending after entry of the amendments set forth herein.

Claims 1-18 were examined and were rejected.

Claims 2-6 and 12-20 are canceled without prejudice to renewal, without intent to acquiesce to any rejection, and without intent to surrender any subject matter encompassed by the canceled claims. Applicants expressly reserve the right to pursue any canceled subject matter in one or more continuation and/or divisional applications.

Claims 21-35 are added. Support for new claims 21-35 is found in the claims as originally filed, and throughout the specification, including the following exemplary locations: claims 21 and 23: original claim 2; claims 22 and 24: original claim 3; claim 25: original claim 6; claim 26: page 18, lines 13-14; claim 27: page 25, lines 9-13; claim 28: page 26, lines 22-23; claim 29: original claim 3; claim 30: page 10, lines 3-7; claim 31: original claim 4; claim 32: page 27, line 14 to page 28, line 27; claim 33: original claim 5; claim 34: page 29, lines 14-26; claim 35: page 9, lines 19-21, and page 10, lines 8-10. Accordingly, no new matter is added by these new claims.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejections under 35 U.S.C. §102

Claim 13 was rejected under 35 U.S.C. §102(b) as allegedly anticipated by Felgner (U.S. Patent No. 5,264,618). Claims 13 and 15 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Folkman (U.S. Patent No. 5,837,682). Claims 13, 15, and 16 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Weichselbaum (U.S. Patent No. 5,770,581) or Weichselbaum (U.S. Patent No. 5,641,755). Claims 13-16 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Felgner et al. ((1987) *Proc. Natl. Acad. Sci. USA* 84:7413).

Claims 13-16 are canceled without prejudice to renewal, thereby rendering these rejections moot.

Applicants submit that the rejections of claims 13-16 under 35 U.S.C. §102 have been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

Rejections under 35 U.S.C. §103(a)

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Smith (U.S. Patent No. 5,935,937). Claims 13, 15, and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Weichselbaum (U.S. Patent No. 5,770,581) or Weichselbaum (U.S. Patent No. 5,641,755) by themselves or in combination with WO 93/24640. Claim 14 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Folkman (5,837,682) or Felgner (5,264,618) or Weichselbaum (U.S. Patent No. 5,770,581) or Weichselbaum (U.S. Patent No. 5,641,755), in combination with Felgner ((1987) *Proc. Natl. Acad. Sci. USA* 84:7413).

Claims 13-15 and 18 are canceled without prejudice to renewal, thereby rendering these rejections moot.

Applicants submit that the rejections of claims 13-15 and 18 under 35 U.S.C. §103 have been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

Obviousness-type double patenting

Claims 1-11 and 13-18 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-10 of U.S. Patent No. 5,837,283.

Applicants submit herewith a terminal disclaimer, disclaiming patent term beyond the expiration date of U.S. Patent No. 5,837,283. Thus, this rejection of claims 1-11 and 13-18 may be withdrawn.

Claims 13-18 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-18 of U.S. Patent No. 6,120,799.

Claims 13-18 are canceled without prejudice to renewal, thereby rendering these rejections moot.

Claims 1-18 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-6 of U.S. Patent No. 6,756,055.

Applicants submit herewith a terminal disclaimer, disclaiming patent term beyond the expiration date of U.S. Patent No. 6,756,055. Thus, this rejection of claims 1-18 may be withdrawn.

Claims 1-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 21-31 and 33-37 of co-pending U.S. Patent Application No. 10/302,374.

Applicants submit herewith a terminal disclaimer, disclaiming patent term of any patent issuing from co-pending U.S. Patent Application No. 10/302,374.

Claims 1-18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 32-45 and 47-55 of co-pending U.S. Patent Application No. 10/161,194. Applicants submit herewith a terminal disclaimer, disclaiming patent term of any patent issuing from co-pending U.S. Patent Application No. 10/161,194.

Statutory double patenting under 35 U.S.C. §101

Claim 12 was rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 11 of U.S. Patent No. 5,837,283.

Claim 12 is canceled without prejudice to renewal, thereby rendering this rejection moot.

Applicants submit that the rejection of claim 12 under 35 U.S.C. §101 has been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

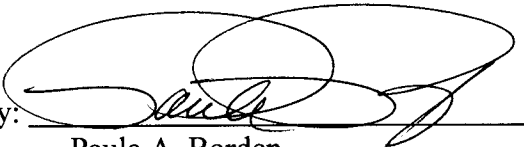
III. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCSF-077 CON7.

Respectfully submitted,
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